

Application No. 10/664,301
Docket No. 2002U023.US

Reply to Office Action Dated August 19, 2005 and Advisory Action of November 3, 2005

Remarks

Reconsideration of the claims in light of the Remarks, which follow, is respectfully requested.

Claims before the Examiner are 1-4 and 6-19.

The amendments to claims 6 and 11 are merely to employ more restrictive transition language (claims 6 and 11) and to change dependency (claim 11).

The numbering in this Response will follow that of the Office Action of August 19, 2005.

1. & 2. No response necessary

Rejections Under 35 USC § 103

3. *Claims 1-1 stand rejected under 35 USC § 103(a) as obvious over US 4,530,914 (Ewen) in view of US 5,648,428 (Reddy) and US 4,931,417 (Miyazaki).*

The Examiner states

It is the Examiner's position that it is Reddy's teaching of preparation of suspending the metallocene catalyst solid [p]articulates in mineral oil which is employed to Ewen's catalyst preparation process to provide a catalyst composition which is easy to handle with minimized exposure to the harmful environment.

It is the Applicant's position that, in spite of the teaching described above, *Reddy* does not teach combining two catalyst components, where a first component is activated by combining with an activator and a support, then a second catalyst is then combined with the first supported activated catalyst "in the substantial absence of additional activator." In fact, at column 2, lines 49-56, *Reddy* states that the "metallocene" and "Ziegler-Natta" catalysts that are generally the reaction products of their respective activating agents. Example 1 at column 5, lines 45-60 demonstrates this fact, where the ZN catalyst is first combined with TEAL, followed by combining this with a "metallocene/MAO-mineral oil suspension".

Additionally, *Reddy* discloses use of a Ziegler-Natta catalyst (activated as discussed above) with a metallocene catalyst (also activated, as discussed above). To combine the disclosures of *Reddy* and *Ewen*, in the Examiner's scheme, one would have

Application No. 10/664,301
Docket No. 2002U023.US

Reply to Office Action Dated August 19, 2005 and Advisory Action of November 3, 2005

to not activate one of the two Reddy catalysts (either Ziegler or metallocene) and/or one would have to replace the Ziegler catalyst with a second metallocene. Either of these modifications and certainly both, would destroy the intended function of Reddy. Specifically, Reddy seeks to have both syndiotactic and isotactic polypropylene result from Reddy's mixed catalyst system. Replacing the Ziegler catalyst would destroy this intent. Additionally, Reddy activates both catalysts separately (using different, respective known activators) then combines them. To combine Reddy with Ewen, presumably one of the two Reddy catalyst systems would have to go unactivated, destroying the intent of Reddy. Therefore the motivation to make the modification suggested by the Examiner does not exist. See *In re Fritch*, 972 F.2d at 1265 n.12, 23 U.S.P.Q.2d at 1783 n.12 ("A proposed modification [is] inappropriate for an obviousness inquiry when the modification render[s] the prior art reference inoperable for its intended purpose."). The application of Miya to this Ewen-Reddy combination does not solve the destruction of Reddy's intent, and is therefore not relevant to the combination.

Accordingly no Obviousness exists. Withdrawal of the Rejection is respectfully requested.

All of the Examiner's Rejections have been addressed.

The claims are in condition for allowance.

Application No. 10/664,301
Docket No. 2002UJ023.US

Reply to Office Action Dated August 19, 2005 and Advisory Action of November 3, 2005

Note is made that the correspondence should be sent to:

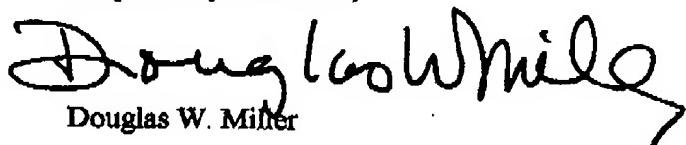
Douglas W. Miller
In representation of Univation Technologies, LLC
c/o Maureen M. White
5555 San Felipe, Suite 1950
Houston, Texas 77056
Facsimile: 713.892.3687

RECEIVED
CENTRAL FAX CENTER

FEB 20 2006

However the telephone number for Douglas W. Miller is (409) 763-4200.

Respectfully submitted,



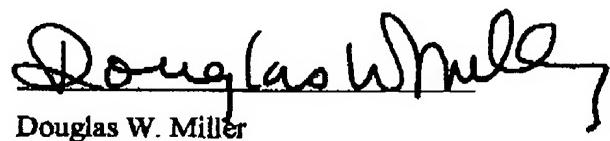
Douglas W. Miller

Agent for Applicants
Registration No. 36,608

Southwest Patent Services
305 21st Street, Suite 249
Galveston, Texas 77550
(409) 763-4200

CERTIFICATE OF TRANSMISSION/MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 20, 2006.



Douglas W. Miller

Registration No. 36,608